APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,375	12/12/2003	Masakatsu Endo	NGBCP005	9762

25920   7590   03/12/2010
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER
KASSA, HILINA S

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
03/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/734,375	ENDO ET AL.
		Examiner	Art Unit	
		HILINA S. KASSA	2625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 November 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>24,26-30 and 37-39</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>24, 26-30 and 37-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>10/26/09 AND 11/30/09</u>.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 01/26/09 and 11/30/09

are being considered by the examiner.

Response to Arguments

2.   Applicant's arguments, filed 11/24/2009, with respect to the rejection(s) of

claim(s) 24, 26-30, 36, 37-39 under 35 U.S.C. 103(a) as being unpatentable over

Ogiwara et al. (US Patent Number 7,161,701 B2) and Yoshida et al. (US Patent

Number 7,154,619 A1) and further in view of Smart et al. (US Publication Number

2003/0208691 A1) have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of Hino (US Publication Number 2002/0060802 A1).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 24, 26-30, 37 and 39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ogiwara et al. (US Patent Number 7,161,701 B2) and Yoshida et al.

(US Patent Number 7,154,619 A1) and further in view of Hino (US Publication Number
2002/0060802 A1).

(1) regarding claim 24:

As shown in figure 5, Ogiwara et al. disclose an image processing method
performed by an image supply device storing image data (**column 6, lines 3-33; note
that the digital camera can output via the connector image data saved in an
internal memory**) and an image output device operable to perform a print operation in
which an object corresponding to the image data is printed (**column 6, lines 36-39;
note that by connecting the digital camera with the printer, Image data gets
printed**), which are connected via a communication path through which the image data
is communicated (**5000, figure 5; column 29-32; note that the cable 5000 connects
the printer and the digital camera**), the method comprising:

*transmitting, from the image output device to the image supply device, a failure
notification when the print operation is interrupted under a condition that at least one of
the objects is not completely printed* (**2212, figure 23, column 14, lines 22-26; note
that if any error occurs in the printer, it transmits failure notification i.e.
PrintDisable to the digital camera. Note that such error could be from print job not
completely printed as discussed in line 27-30**);

generating, at the image supply device based on the stored first information item
when the *failure notification* is received (**column 14, lines 26-27; note that the digital
camera is notified of the error**), a second control information item including a first

script configured to resume the interrupted print operation (**column 14, lines 27-30;**
note that when printing is interrupted due to an error, restart of printing command
is sent to the printer i.e. considered a first script); and

a second script specifying *one of the objects which is* first printed by the image
output device *in the single page layout* (**column 14, lines 34-37; note that the digital**
camera sends back the image data to be printed to the printing device i.e.
considered as a second script specifying the object/image data to be printed.
note that the printer prints the images in a single page layout as discussed in
column 4, lines 45-46),

transmitting the second information item from the image supply device to the
image output device (**column 14, lines 30-32; note that the digital camera transmits**
print enable/start signal to the printing device); and

Ogiwara et al. disclose all of the subject matter as described as above except for
wherein resuming the interrupted print operation *from the one of the objects* specified by
the second script.

However, Yoshida et al. in figure 4, teaches resuming the interrupted print
operation *from the one of the objects* specified by the second script (**column 1, line 64-**
column 2, line 3; note that the printer has a resume function where by the print
job processing is continued as soon as the problem is resolved. i.e. power is
restored).

Ogiwara et al. and Yoshida et al. are combinable because they are from the
same field of endeavor i.e. static presentation of data for printing. At the time of the

invention, it would have been obvious to a person of ordinary skilled in the art resuming

the interrupted print operation *from the one of the objects* specified by the second script.

The suggestion/motivation for doing so would have been to in order to avoid substantial

increase cost that would required to incorporate a large-capacity non-volatile memory

(column 2, lines 1-3). Therefore, it would have been obvious to combine Ogiwara et al.

with Yoshida et al. to obtain the invention as specified in claim 24.

Ogiwara et al. and Yoshida et al. disclose all of the subject matter as described

as above except for transmitting, from the image output device to the image supply

device, a first information item specifying a plurality of objects allocated in a single page

layout; storing the first information item in the image supply device; and wherein at least

a part of the first information item and at least a part of the second information item are

described by a markup language.

However, Hino disclosed transmitting, from the image output device to the image

supply device, a first information item specifying a plurality of objects allocated in a

single page layout (**paragraph [0066], lines 1-3; note that the server i.e. the image

supply device receives the URL and physical layout information from the printer**);

storing the first information item in the image supply device (**paragraph [0067], lines 1-

4; note that the document data and layout information is stored in the server**); and

wherein at least a part of the first information item and at least a part of the second

information item are described by a markup language (**paragraph [0063], lines 7-17;

note that the information exchange between the two devices is described by

HTTP/XML language**).

Ogiwara et al., Yoshida et al. and Hino are combinable because they are from the same field of endeavor i.e. static presentation of data for printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art, to transmit from the image output device to the image supply device, a first information item specifying a plurality of objects allocated in a single page layout; storing the first information item in the image supply device; and wherein at least a part of the first information item and at least a part of the second information item are described by a markup language. The suggestion/motivation for doing so would have been to to provide an image forming apparatus and an image forming method adapted for use in a high-quality and efficient print system of load dispersion type, in which a printing apparatus informs a server, executing the formatting process, of the sheet size and the layout direction and the server converts the document data described with the structured description language into document data assigned to physical pages (paragraph [0014]). Therefore, it would have been obvious to combine Ogiwara et al., Yoshida et al. with Hino to obtain the invention as specified in claim 24.

(2) regarding claim 26:

Ogiwara et al. further disclose the image processing method as set forth in claim 24, wherein the first information item is transmitted only in a case where the print operation is interrupted (**column 14, lines 30-36; note that the restart of printing is utilized after the printer has been stopped or halted**).

(3) regarding claim 27:

Ogiwara et al. further disclose the image processing method as set forth in claim 24, wherein the first information item is transmitted every time a page break occurs during the print operation (**column 13, lines 63-66; note that the restart command is utilized when there is a stop of printing i.e. also considered as the page break**).

(4) regarding claim 28:

Ogiwara et al. further disclose the image processing method as set forth in claim 24, wherein the first information item includes at least one of a path information item indicating where image data corresponding to the object is stored in the image supply device (**column 6, lines 32-33; note that the image files are stored in the camera**) and a number information item indicating how many times the object is to be supplied to the image output device repetitively (**column 9, lines 45-59; note that the images get incremented to be supplied to the printer**).

(5) regarding claim 29:

Ogiwara et al. further disclose the image processing method as set forth in claim 28, wherein the number information item is corrected so as to indicate a remained number of the repetitive supply of the image data (**column 9, line 66-column 10, line 8; note that the number of pages to be printed gets displayed and it is checked to see the number of images to be printed is correct with the number of printed**

images), in a case where a page break occurs during the supply of the image data

(**column 14, lines 26-30**).

    (6) regarding claim 30:

    Ogiwara et al. further disclose the image processing method as set forth in claim

24, further comprising:

    detecting, at the image output device, that the print operation is interrupted

(**column 14, lines 22-23; note that in case of an error the printer aborts to print**);

    transmitting, as the first information item, a third script indicating that the print

operation is interrupted (**column 14, lines 23-25; note that a message is transmitted

to the camera about the printer**);

    detecting, at the image output device, that the interrupted print operation is

resumed (**column 14, lines 27-30; note that after the printer stops to print, user

restarts to print back again**); and

    transmitting, as the first information item, a fourth script indicating that the

interrupted print operation is resumed (**column 14, lines 31-36**).

    (7) regarding claim 37:

    As shown in figure 5, Ogiwara et al. disclose an image processing method

performed by an image output device adapted to be connected to an image supply

device storing image data (**column 6, lines 3-33; note that the digital camera can

output via the connector image data saved in an internal memory**), and operable to

perform a print operation in which an object corresponding to the image data is printed
(**column 6, lines 36-39; note that by connecting the digital camera with the printer,
Image data gets printed**), the method comprising:

transmitting, to the image output device, a failure notification when the print
operation is interrupted under a condition that at least one of the objects is not
completely printed (**2212, figure 23, column 14, lines 22-26; note that if any error
occurs in the printer, it transmits failure notification i.e. PrintDisable to the digital
camera. Note that such error could be from print job not completely printed as
discussed in line 27-30**);

receiving, from the image supply device in response to the failure notification
(**column 14, lines 26-27; note that the digital camera is notified of the error**), a
second information item including:

a first script configured to resume the interrupted print operation (**column 14,
lines 27-30; note that when printing is interrupted due to an error, restart of
printing command is sent to the printer i.e. considered a first script**); and

a second script specifying one of the objects which is first printed in the single
page layout (**column 14, lines 34-37; note that the digital camera sends back the
image data to be printed to the printing device i.e. considered as a second script
specifying the object/image data to be printed. note that the printer prints the
images in a single page layout as discussed in column 4, lines 45-46**); and

Ogiwara et al. disclose all of the subject matter as described as above except for wherein resuming the interrupted print operation *from the specified one of the objects* based on the second information item.

However, Yoshida et al. in figure 4, teaches resuming the interrupted print operation *from the specified one of the objects* based on the second information item **(column 1, line 64-column 2, line 3; note that the printer has a resume function where by the print job processing is continued as soon as the problem is resolved. i.e. power is restored)**.

Ogiwara et al. and Yoshida et al. are combinable because they are from the same field of endeavor i.e. static presentation of data for printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art resuming the interrupted print operation *from the specified one of the objects* based on the second information item. The suggestion/motivation for doing so would have been to in order to avoid substantial increase cost that would required to incorporate a large-capacity non-volatile memory (column 2, lines 1-3). Therefore, it would have been obvious to combine Ogiwara et al. with Yoshida et al. to obtain the invention as specified in claim 37.

Ogiwara et al. and Yoshida et al. disclose all of the subject matter as described as above except for transmitting, from the image output device to the image supply device, a first information item specifying a plurality of objects allocated in a single page layout; and wherein at least a part of the first information item and at least a part of the second information item are described by a markup language.

However, Hino disclosed transmitting, from the image output device to the image

supply device, a first information item specifying a plurality of objects allocated in a

single page layout (**paragraph [0066], lines 1-3; note that the server i.e. the image**

supply device receives the URL and physical layout information from the printer);

and wherein at least a part of the first information item and at least a part of the second

information item are described by a markup language (**paragraph [0063], lines 7-17;**

note that the information exchange between the two devices is described by

HTTP/XML language).

Ogiwara et al., Yoshida et al. and Hino are combinable because they are from

the same field of endeavor i.e. static presentation of data for printing. At the time of the

invention, it would have been obvious to a person of ordinary skilled in the art, to

transmit from the image output device to the image supply device, a first information

item specifying a plurality of objects allocated in a single page layout; and wherein at

least a part of the first information item and at least a part of the second information item

are described by a markup language. The suggestion/motivation for doing so would

have been to to provide an image forming apparatus and an image forming method

adapted for use in a high-quality and efficient print system of load dispersion type, in

which a printing apparatus informs a server, executing the formatting process, of the

sheet size and the layout direction and the server converts the document data

described with the structured description language into document data assigned to

physical pages (paragraph [0014]). Therefore, it would have been obvious to combine

Ogiwara et al., Yoshida et al. with Hino to obtain the invention as specified in claim 37.

(8) regarding claim 39:

Ogiwara et al. further disclose an image output device adapted to be connected
to an image supply device storing image data, and operable to perform a print operation
in which an object corresponding to the image data is printed, the image output device
comprising a communication controller configured to execute the image processing
method as set forth in claim 37 (**column 6, lines 3-33; note that the digital camera
can output via the connector image data saved in an internal memory and column
6, lines 36-39; note that by connecting the digital camera with the printer, Image
data gets printed**).

5.   Claims 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Ogiwara et al. (US Patent Number 7,161,701 B2) in view of Hino (US Publication
Number 2002/0060802 A1).

(1) regarding claim 36:

As shown in figure 5, Ogiwara et al. disclose an image processing method
performed by an image supply device storing image data (**column 6, lines 3-33; note
that the digital camera can output via the connector image data saved in an
internal memory**) and adapted to be connected to an image output device operable to
perform a print operation in which an object corresponding to the image data is printed

(**column 6, lines 36-39; note that by connecting the digital camera with the printer, Image data gets printed**), the method comprising:

generating, based on the stored first information item when a failure notification is received (**column 14, lines 26-27; note that the digital camera is notified of the error**), a second information item including:

a first script configured to resume the interrupted print operation (**column 14, lines 27-30; note that when printing is interrupted due to an error, restart of printing command is sent to the printer i.e. considered a first script**); and

a second script specifying one of the objects which is first printed by the image output device in the single page layout (**column 14, lines 34-37; note that the digital camera sends back the image data to be printed to the printing device i.e. considered as a second script specifying the object/image data to be printed. note that the printer prints the images in a single page layout as discussed in column 4, lines 45-46**); and

transmitting, to the image output device, the second information item (**column 14, lines 30-32; note that the digital camera transmits print enable/start signal to the printing device**), wherein:

the failure notification indicates that the print operation is interrupted under a condition that at least one of the objects is not completely printed (**column 14, lines 22-26; note that if any error occurs in the printer, it transmits failure notification i.e. PrintDisable to the digital camera. Note that such error could be from print job not completely printed as discussed in line 27-30**).

Ogiwara et al. and Yoshida et al. disclose all of the subject matter as described

as above except for receiving, from the image output device, a first information item

specifying a plurality of objects allocated in a single page layout; storing the first

information item; and wherein at least a part of the first information item and at least a

part of the second information item are described by a markup language.

However, Hino disclosed receiving, from the image output device, a first

information item specifying a plurality of objects allocated in a single page layout

(**paragraph [0066], lines 1-3; note that the server i.e. the image supply device

receives the URL and physical layout information from the printer**); storing the first

information item (**paragraph [0067], lines 1-4; note that the document data and

layout information is stored in the server**); and wherein at least a part of the first

information item and at least a part of the second information item are described by a

markup language (**paragraph [0063], lines 7-17; note that the information exchange

between the two devices is described by HTTP/XML language**).

Ogiwara et al., Yoshida et al. and Hino are combinable because they are from

the same field of endeavor i.e. static presentation of data for printing. At the time of the

invention, it would have been obvious to a person of ordinary skilled in the art to

receive, from the image output device, a first information item specifying a plurality of

objects allocated in a single page layout; storing the first information item; and wherein

at least a part of the first information item and at least a part of the second information

item are described by a markup language. The suggestion/motivation for doing so

would have been to to provide an image forming apparatus and an image forming

method adapted for use in a high-quality and efficient print system of load dispersion

type, in which a printing apparatus informs a server, executing the formatting process,

of the sheet size and the layout direction and the server converts the document data

described with the structured description language into document data assigned to

physical pages (paragraph [0014]). Therefore, it would have been obvious to combine

Ogiwara et al., Yoshida et al. with Hino to obtain the invention as specified in claim 36.

(2) regarding claim 38:

Ogiwara et al. further disclose an image supply device, operable to store image

data and adapted to be connected to an image output device operable to perform a print

operation in which an object corresponding to the image data is printed, the image

supply device comprising a communication controller configured to execute the image

processing method as set forth in claim 36 (**column 6, lines 3-33; note that the digital

camera can output via the connector image data saved in an internal memory and

column 6, lines 36-39; note that by connecting the digital camera with the printer,

Image data gets printed**).

Conclusion

6.   Any inquiry concerning this communication or earlier communication from the

examiner should be directed to Hilina Kassa whose telephone number is (571) 270-

1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore could be reached at (571) 272- 7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see http://pari-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hilina S Kassa/

Examiner, Art Unit 2625

March 11, 2010

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625